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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,361	02/10/2004	Holger Edinger	A-3891	3215
24131	7590	03/15/2006	EXAMINER	
LERNER GREENBERG STEMER LLP			MORRISON, THOMAS A	
P O BOX 2480			ART UNIT	
HOLLYWOOD, FL 33022-2480			PAPER NUMBER	
			3653	
DATE MAILED: 03/15/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/776,361	Applicant(s) EDINGER, HOLGER	
	Examiner Thomas A. Morrison	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☐ Claim(s) 2-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 2-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,133,543 (Eitel et al.).

Regarding independent claim 5, Figs. 1-4 show an apparatus for conveying sheets to a sheet processing machine, comprising:

a feed table (including 6) having mutually spaced-apart rows of suction apertures (2) formed therein and ventilation openings (61 and 62) formed therein in a region between the suction apertures (2); and

a suction belt (4) disposed to be guided over the feed table (including 6) and having at least two mutually spaced-apart rows of suction openings (7) formed therein, each of the rows of the suction openings (7) aligned with a respective one of the spaced-apart rows of suction apertures (2).

With regard to the mutually spaced-apart rows of suction apertures (2) formed in the table, the examiner first relies upon Fig. 2 of Eitel et al. to show a first row of suction apertures (2) formed by drawing a horizontal line connecting the suction apertures (2) together, which are located near the element labeled "16". Then, the examiner relies

upon a second spaced apart row of suction apertures (2) formed by drawing a horizontal line connecting the apertures (2) together, which are located near the element labeled "14". With this scenario, the ventilation openings (61 and 62) are located between the first and second rows of suction apertures, as claimed.

With regard to the mutually spaced-apart rows of suction openings (7), the examiner relies upon Fig. 2 to show a first row of the suction openings (7) formed by drawing a horizontal line connecting the suction openings (7) together, which are located one row below the uppermost row of suction openings in the belt (4) that extends between reference numbers 40 and 36. Then, the examiner relies upon Fig. 2 to show a second spaced apart row of suction openings (7) formed by drawing a horizontal line connecting the suction openings (7) together, which are located directly below the first row of suction openings. With this scenario, the first and second rows of suction openings (7) are both aligned with the second spaced-apart row of suction apertures (2) located near the element labeled "14". This scenario meets all of the limitations of new claim 5.

Regarding claim 2, Fig. 2 shows mutually parallel suction boxes (14 and 13) communicating with the rows of suction openings (7) for supplying suction air to the rows of suction openings (7), and a common vacuum source (17) communicating with the suction boxes.

Regarding claim 3, Fig. 1 shows that the feed table includes a covering plate (6) covering the suction boxes (14 and 13) on top, the covering plate (6) forming a guide for the suction belt (4).

Regarding claim 4, Figs. 1 and 2 show that the covering plate (6) is formed with the rows of suction apertures (2) and with the ventilation openings (61 and 62).

Response to Arguments

2. Applicant's arguments filed 01/06/2006 have been fully considered but they are not persuasive.

With regard to claim 5, applicant argues that the reference does not show a suction belt disposed to be guided over the feed table and having at least two mutually spaced-apart rows of suction openings formed therein, each of the rows of the suction openings aligned with a respective one of the spaced-apart rows of suction apertures, as recited in claim 5 of the instant application.

In response, it is noted that claim 5 can be broadly read to mean that the feed table has two spaced-apart rows of suction apertures and the belt has two spaced-apart rows of suction openings, and each row of suction openings in the belt is aligned with one of the rows of suction apertures in the feed table. This condition is met by two of the rows of suction openings in the belt (4) shown in Fig. 2 of Eitel. These two rows of suction openings in the belt are aligned with one row of suction apertures in the feed table. The argument is explained in greater detail above.

Also applicant also argues that Eitel does not disclose ventilation openings in a feed table that are disposed between two mutually spaced-apart rows of suction openings in a single belt.

In response, it is the examiner's position that claim 5, as read broadly, does not require this arrangement. The rejection of claim 5 is described in greater detail above.

Allowable Subject Matter

3. Claim 1 is allowed.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03/09/2006


KATHY MATECKI
SUPERVISORY PATENT EXAMINER
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